

APPENDIX I

**King vs. Weis-Patterson Lumber Company, 124 Fla. 272, 168 So. 858;**

**Stigletts vs. McDonald, 135 Fla. 385, 186 So. 233;**

**Fireman's Fund Indemnity Co. vs. Perry, 149 Fla. 410, 5 So. 2d 862.**

## APPENDIX II

EXCERPTS FROM THE OPINION OF THE CIRCUIT COURT OF APPEALS SHOWING QUESTIONS RAISED BY THE EVIDENCE AND PROPOSED BY THE COURT:

(1) Was Hamilton the affectionate, home-loving husband and father as pictured by some of the family, who would yearn continuously to return to the bosom of that family and who would constantly seek news of their welfare, or was he a lean, lewd, and lascivious Casanova, familiar with the solace of lustful women, who preferred their companionship to that of his admittedly unaffectionate spouse?

(2) Was he the loving husband and father, who would be presumed to keep in touch with his home and family, in view of the showing that on his return from Cuba through Miami he kept his presence hidden from, and failed to visit, his family, other than one of his sons, from whence he secretly moved on to places unknown?

(3) Was his visitation in Gloversville, New York, with Mr. and Mrs. Louckes one motivated wholly by an effort to gain health and employment?

(4) It is not the normal act of a father who is interested in his home and family to seek surcease from his sickness, disappointments, and sorrows in the bosom of that family rather than among outsiders, such as Mr. and Mrs. Louckes, and in places hundreds of miles away?

(5) Is it the act of a father and husband interested in home and family to absent himself from that family from the early part of the year 1928 until its end, during much of which time he was without gainful occupation or employment?

(6) If the motive of the insured was to commit suicide so as to improve the financial situation of the family which he had not seen nor sought to see in so long, why did he not make the proof of his sacrifice available so that the body could be found and proof of his death made? If he were making the supreme sacrifice for the sustenance and support of his family, why did he not leave a note to that family in order that the result of his acts might have the desired fruition?

(7) If he planned to fare forth into eternity, why did he take his grip and clothes, which habiliments he must have known he could not take beyond the grave?

(8) If he committed suicide or otherwise died on December 29, why was not some trace found of either his body or his personal belongings?

(9) If he could stand in the face of his family, unabashed and unashamed, after having served a sentence in the penitentiary\* for a highly immoral offense, does it stand to reason that he was afraid to stand in the presence of his family merely because his health and his business were failing?

(10) Can much credence be given to the evidence as to the spiritual and religious life of an absentee deacon of

the church **when** it is so strongly asserted that he was guilty of the unpardonable sin of self-destruction?

(11) And, what evidence is there in the record to justify the conclusion of suicide? His statement to his daughter that he was leaving, and his statement shortly before that time that he was going to hunt a job, and the statement that what he was going to do he hoped would be the best for all concerned and his request to the bank to pay the premium on his insurance for another year, at the end of which he would either be better or dead, his ill health, despondency, and impecuniosity, his return of the Christmas gifts with the statement that he would not need them, are all the circumstances upon which a theory of suicide could be based.

(12) Was his failure or refusal to tell his daughter what his plans were evidence of a suicidal intent any more than it was evidence of an absence of any definite plan, or of a secret purpose to absent himself from his financial and family responsibilities?

(13) Was the shedding of a few tears and the statement "I just hope what I am going to do is for the good of all the family," inconsistent with the statement previously made to the witness that he was planning to leave the business to find employment elsewhere?

(14) Was the shedding of tears any more consistent with an intent to commit suicide than with a realization that he had not been of much help or honor to his family and that if he moved on into obscurity it might be best for all concerned?

(15) Was his statement in the letter of December 18, 1928, requesting the bank to pay the premiums on his insurance, to the effect that he had been in bad health and unable to work but that he guessed he would either be all right or dead by the time another premium came due, consistent with the conduct of one who was contemplating suicide or of one who was planning to live?

(16) If the insured had intended to destroy himself shortly before his insurance policies lapsed, would he have been concerned with the unnecessary payment of premiums?

(17) Where a father had sent no Christmas gifts to his family, does the fact that he returns gifts to his daughter with the request that she give them to his sons, meanwhile asserting that he would not need the gifts, sustain the conclusion that he intended to take his own life any more than it justifies the conclusion that he was neither giving to, nor receiving from, his family anything further, and by this method was making a symbolic severance of relations preparatory to an intended desertion of that family?

